



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

April 18, 2019

David Concannon, Esq.
Explorer Consulting
100 Sun Valley Rd., Box 329
Sun Valley, ID 83353
Via e-mail: david@davidconcannon.com

Re: OceanGate Expeditions, Ltd.'s 2019 *Titanic* Survey Expedition

Dear Mr. Concannon:

Thank you for providing a copy of your April 1, 2019, letter to Judge Rebecca Beach Smith.

As you are aware, Congress enacted Section 113 of the Consolidated Appropriations Act, 2017, which provides:

For fiscal year 2017 and each fiscal year thereafter, no person shall conduct any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS Titanic unless authorized by the Secretary of Commerce per the provisions of the Agreement Concerning the Shipwrecked Vessel RMS Titanic [the "International Agreement"]. The Secretary of Commerce shall take appropriate actions to carry out this section consistent with the Agreement.

On August 29, 2018, the Secretary of Commerce delegated, in part, Section 113 authority to the NOAA Administrator.

Per Section 113, and as described in the Annex Rules to the International Agreement, additional information is needed to assess whether OceanGate Expeditions, Ltd.'s proposed expedition requires and qualifies for an authorization. As such, NOAA requests that your client send a letter addressed to David Alberg (David.Alberg@noaa.gov) by April 29, 2019, providing information that addresses Parts I through XIII of the Annex Rules. These provisions of the Annex Rules are nearly identical to Parts I through XIII of the NOAA Guidelines (66 Fed. Reg. 18905, Apr. 12, 2001). Note that Part I does not require specific information but, rather, states the General Principles that must be followed.

While your April 1, 2019 letter provides some of the information identified in the Annex Rules and NOAA Guidelines, additional information is still needed (*e.g.*, the identity, qualifications, experience and responsibilities of the team members, plans for report preparation, contents, and

dissemination to the public) to determine if an authorization is required under Section 113. Please be aware that any proposed expedition involving salvage activities, as determined by the United States District Court for the Eastern District of Virginia, may require separate approval from the Court.

Additional information relating to expeditions to the *Titanic* wreck and wreck site, including the 1986 *Titanic* Maritime Memorial Act, the NOAA Guidelines, the International Maritime Organization Circular MEPC.1/Circ.779 (Pollution Prevention Measures in the Area Surrounding the Wreckage of RMS *Titanic*), is available on NOAA's website at https://www.gc.noaa.gov/gcil_titanic.html.

Please let me know if you have any questions. We look forward to receiving additional information about the OceanGate Expedition.

Sincerely,

A handwritten signature in purple ink that reads "Jackie Roller".

Jackie Roller
Office of the General Counsel
Oceans and Coasts Section
National Oceanic and Atmospheric Administration

cc: Kent Porter, DOJ